



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 03 2010

REPLY TO THE ATTENTION OF:

SE-5J

PROMPT REPLY NECESSARY

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Safe Environmental Corp.
2301 Cline Avenue
Suite 106
Shererville, IN 46375

Re: Request for Information Pursuant to Section 104 of CERCLA for the Cleveland Trencher Site in Euclid, Cuyahoga County, Ohio

Dear Sir or Madam:

This letter seeks your cooperation in providing information and documents relating to the contamination of the Cleveland Trencher Superfund Site located at 20100 St. Clair Avenue in Euclid, Ohio ("Site"). A Superfund site is a site contaminated with high levels of hazardous substances that may present a threat to human health or the environment.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and attached questions (Attachment B) within 21 days of your receipt of this letter.

The United States Environmental Protection Agency ("U.S. EPA") is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. U.S. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. U.S. EPA will study the effects of these substances on the environment and public health. In addition, U.S. EPA will identify activities, materials, and parties that contributed to contamination at the Site. U.S. EPA believes that you might have information which may assist the Agency in its investigation of the Site.

Description of Legal Authority

The federal "Superfund" law (the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601, et seq., commonly referred to as "CERCLA" and "Superfund") gives U.S. EPA the authority to, among other things: (1) assess contaminated sites,

(2) determine the threats to human health and the environment posed by each site, and (3) clean up those sites in the order of the relative threats posed by each.

Information Request

Under Section 104(e)(2) of CERCLA, 42 U.S.C. §9604(e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While U.S. EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information U.S. EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish U.S. EPA to treat the information confidentially, you must advise U.S. EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §3501 et seq.

Instructions on how to respond to the questions in Attachment B to this document are described in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Carol Ropski
Emergency Enforcement Services Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Stephen Wolfe at (440) 250-1718. Legal questions should be addressed to Kevin Chow at (312) 353-6181. However, if you have specific questions about the Information Request, please contact Carol Ropski at (312) 353-7647.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in black ink, appearing to read "William D. Messenger". Below the signature, the letters "FSL" are handwritten.

William D. Messenger, Chief
Emergency Enforcement Services Section

Enclosures

Attachment A
Information Request
to Safe Environmental Corp.

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, U.S. EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to U.S. EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b).

If you make a claim of confidentiality for any of the information you submit to U.S. EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);

3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by U.S. EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to U.S. EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by U.S. EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by U.S. EPA, then it may be made available to the public by U.S. EPA without further notice to you.

7. Disclosure to U.S. EPA Contractor. Information which you submit in response to this Information Request may be disclosed by U.S. EPA to authorized representatives of the United States, pursuant to 40 C.F.R. §2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that U.S. EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be

segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "**arrangement**" means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term "**documents**" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
3. The term "**hazardous substance**" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
4. The term "**identify**" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
5. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "**identify**" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
6. The term "**material**" or "**materials**" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
7. The term "**person**" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
8. The term "**pollutant or contaminant**" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in

reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

9. The term "**real estate**" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

10. The term "**release**" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

11. The term "**Site**" shall mean the Cleveland Trencher Superfund Site located at 20100 St. Clair Avenue, Euclid, Ohio.

12. The term "**waste**" or "**wastes**" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

13. The term "**you**" or "**Respondent**" shall mean Safe Environmental Corp. The term "you" also includes any officer, managers, employees, contractors, trustees, successors, assigns, and agents of Safe Environmental Corp.

Attachment B
Requests

1. **Identify** all **persons** consulted in the preparation of the answers to these Information Requests.
2. Identify all **documents** consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If **you** have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the **Respondent**.
5. Describe any and all **arrangements** involving your company for providing asbestos abatement, and any other service or activity, at the site. Provide all documents that pertain to these arrangements, including any and all work orders, agreements or contracts.
6. **Identify** the **person(s)** who hired your company to conduct asbestos abatement, and any other service or activity, at the Site.
7. Describe the condition of the site when you arrived to begin work. Provide a copy of all reports relating to the asbestos abatement, and any other service or activity, that you conducted at the property. Provide copies of your activity logs or reports for the work you conducted at the property.
8. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the **release** or threat of release of **hazardous substances, pollutants, or contaminants**, including asbestos, and damages resulting therefrom.
9. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of asbestos, asbestos containing material, and any other hazardous substances by you, your contractors, your subcontractors, or by prior owners and/or operators.
10. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances or **materials**? If the answer is anything but an unqualified "no", answer (a) through (f) below with respect to each of the following hazardous substances or materials at the Site: the asbestos-containing materials in buildings and in debris piles or elsewhere; the drums and containers of hazardous wastes, hazardous substances, or other substances; the aboveground storage tanks and their contents; the underground storage tanks and their contents; the electrical transformers, their contents, and any associated oil staining; the fluorescent lamps (intact and

crushed) and ballasts from lighting fixtures; the paint waste residue associated with the former paint booth; oil or other substances in trench drains; and any other hazardous substances or materials not already mentioned:

- (a) The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substances;
- (b) Who supplied you with such hazardous substances;
- (c) How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;
- (d) When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;
- (e) Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you; and
- (f) The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.

11. State the dates during which you owned, operated, leased, or were present at the Site. State the dates during which you engaged in asbestos abatement at the Site.

12. Provide all reports, information, or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data. This includes but is not limited to all asbestos-related reports, information, or data, as well as a full and complete copy of the "Phase I Environmental Site Assessment of Cleveland Trencher Company, 20100 St. Clair Avenue, Euclid, Ohio," dated October 26, 2000, and prepared by Flynn Environmental, Inc.

132. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site. This includes releases of or releases from all the materials, substances, and areas identified in Question 10 above. For each, identify:

- a) When such releases occurred;
- b) How the releases occurred;
- c) The amount of each hazardous substances, pollutants, or contaminants, including asbestos so released;

- d) Where such releases occurred;
- e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.
- f) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and
- g) All persons with information relating to these releases.

14. Describe the condition of the Site when you ceased your work and departed the property. Include in your description the condition of the buildings you worked on, as well as all other materials handled and areas impacted by you. This includes those materials, items, or substances identified in Question 10 above.

153. Describe the nature of your relationship with Asbestek, Inc. Provide copies of all contracts or agreements involving Asbestek, Inc.

164. Describe the nature of your relationship with Nationwide Demolition Services. Provide copies of all contracts or agreements involving Nationwide Demolition Services.

17. Describe the nature of your relationship with Piscazzi Trust. Provide copies of all contracts or agreements involving Piscazzi Trust.